Mr. WHALEY. More like this lighter color, at least they were cleaner or some thing.

Mr. BALL. That is 157?

Mr. WHALEY. Yes, sir.

Mr. BALL. But you are not sure about that?

Mr. WHALEY. I am not sure about the pants. I wouldn't be sure of the shirt if it hadn't had that light stripe in it. I just noticed that.

Mr. BALL. Here is Commission No. 162 which is a gray jacket with zipper.

Mr. WHALEY. I think that is the jacket he had on when he rode with me in the cab.

Mr. BALL. Look something like it?

And here is Commission Exhibit No. 163, does this look like anything he had on?

Mr. WHALEY. He had this one on or the other one.

Mr. BALL. That is right.

Mr. WHALEY. That is what I told you I noticed. I told you about the shirt being open, he had on the two jackets with the open shirt.

Mr. BALL. Wait a minute, we have got the shirt which you have identified as the rust brown shirt with the gold stripe in it.

Mr. WHALEY. Yes, sir.

Mr. BALL. You said that a jacket——

Mr. WHALEY. That jacket now it might have been clean, but the jacket he had on looked more the color, you know like a uniform set, but he had this coat here on over that other jacket, I am sure, sir.

Mr. BALL. This is the blue-gray jacket, heavy blue-gray jacket.

Mr. WHALEY. Yes, sir.

Mr. BALL. Later that day did you—were you called down to the police department?

Mr. WHALEY. No, sir.

Mr. BALL. Were you the next day?

Mr. WHALEY. No, sir; they came and got me, sir, the next day after I told my superior when I saw in the paper his picture, I told my superiors that that had been my passenger that day at noon. They called up the police and they came up and got me.

Mr. BALL. When you saw in the newspaper the picture of the man?

Mr. WHALEY. Yes, sir.

Mr. BALL. You went to your superior and told him you thought he was your passenger?

Mr. WHALEY. Yes, sir.

Mr. BALL. Did the Dallas police come out to see you?

Mr. WHALEY. Yes, sir.

Mr. BALL. Or FBI agents?

Mr. WHALEY. The Dallas police came down and took me down and the FBI was waiting there.

Mr. BALL. Before they brought you down did they show you a picture?

Mr. WHALEY. No, sir.

Mr. BALL. They didn't?

Mr. WHALEY. No, sir.

Mr. BALL. They brought you down to the Dallas police station?

Mr. WHALEY. Yes, sir.

Mr. BALL. What did you do there?

Mr. WHALEY. Well, I tried to get by the reporters, stepping over television cables and you couldn't hardly get by, they would grab you and wanted to know what you were doing down here, even with the detectives one in front and one behind you. Then they took me in an office there and I think Bill Alexander, the Assistant District Attorney, two or three, I was introduced to two or three who were FBI men and they wanted my deposition of what happened.

So, I told them to the best of my ability. Then they took me down in their room where they have their show-ups, and all, and me and this other taxi driver who was with me, sir, we sat in the room awhile and directly they brought in six men, young teenagers, and they all were handcuffed together. Well, they wanted me to pick out my passenger.



[illegible] he had on a pair of [illegible] he had on. I [illegible] you could have picked him out without identifying him by just listening to him because he was bawling at the policeman, telling them it wasn't right to put him in line with these teen-agers and all of that and they asked me which one and I told them. It was him all right, the same man.

Mr. BALL. They had him in line with men much younger?

Mr. WHALEY. With five others.

Mr. BALL. Men much younger?

Mr. WHALEY. Not much younger, but just young kids they might have got them in jail.

Mr. BALL. Did he look older than those other boys?

Mr. WHALEY. Yes.

Mr. BALL. And he was talking, was he?

Mr. WHALEY. He showed no respect for the policemen, he told them what he thought about them. They knew what they were doing and they were trying to railroad him and he wanted his lawyer.

Mr. BALL. Did that aid you in the identification of the man?

Mr. WHALEY. No, sir; it wouldn't have at all, except that I said anybody who wasn't sure could have picked out the right one just for that. It didn't aid me because I knew he was the right one as soon as I saw him.

Mr. BALL. You don't think that that in any way influenced your identification?

Mr. WHALEY. No, sir; it did not. When you drive a taxi, sir, as long as I have, you can almost look at a man, in fact, you have to, to be able to tell whether you can trust or whether you can't trust him, what he is.

Now, like you got in my taxicab and I looked you over and you told me just wait for me here and went in the building, well, I will have to know whether I could just say, "OK, sir." Or say, "Will you leave me a $5 bill, sir?"

When you drive a taxi that long you learn to judge people and what I actually thought of the man when he got in was that he was a wino who had been off his bottle for about two days, that is the way he looked, sir, that was my opinion of him.

Mr. BALL. What was there about his appearance that gave you that impression? Hair mussed?

Mr. WHALEY. Just the slow way he walked up. He didn't talk. He wasn't in any hurry. He wasn't nervous or anything.

Mr. BALL. He didn't run?

Mr. WHALEY. No, sir.

Mr. BALL. Did he look dirty?

Mr. WHALEY. He looked like his clothes had been slept in, sir, but he wasn't actually dirty. The T-shirt was a little soiled around the collar but the bottom part of it was white. You have to know those winos, or they will get in and ride with you and there isn't nothing you can do but call the police, the city gets the fine and you get nothing.

Mr. BALL. Who was the other cab driver?

Mr. WHALEY. I don't know his name, sir. He worked for the same company but he works out of the Oak Cliff branch. They say he was the one who saw him kill the policeman, the one who used the policeman's microphone.

Mr. BALL. Is that Mr. Scoggins?

Mr. WHALEY. What is his name?

Mr. BALL. Scoggins.

Mr. WHALEY. It could have been, sir.

Mr. BALL. You don't know him?

Mr. WHALEY. I just know he drives taxi 213. He works out of Oak Cliff branch.

Mr. BALL. I would like to have a copy of the manifest temporarily marked 370.

Mr. WHALEY. You may have it, sir.

Mr. BALL. Commission 370, and offer it into evidence and ask leave to submit the original, if it is brought in, when it is brought here by the FBI.

The CHAIRMAN. Yes, it may be admitted.

(The manifest referred to was marked Commission Exhibit No. 370 for identification and received in evidence.)